## **EXHIBIT 5**

To: McCulloch Page 7 of 8 2012-06-29 15:51:47 (GMT) From: Daniel Todd

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# Communication Log between Atherton Trust and Only Websites from 12/16/2010 – 07/22/2011

## Only Websites Communication is *Italicized*Atherton Trust Communication is **BOLD**

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## 12/16/10 08:52 AM Note

Kraia.

My name is Ellen Wilson and I'm with the development team at Only Websites. I'll be your contact throughout the redesign of your site. I've received your questionnaire and sent the information to our design. You can expect an initial design of the home page from us by Wednesday, Dec. 22. If you have any further input on the design or functionality of the site, please e-mail. However, you did provide us with lots of example sites and information. Thank you for that!

example sites and information. Thank you for that!
Regarding the content of your site, will we be using mostly the content that is on your current site? Please let me know what changes and updates you have.
Just to give you a quick run-through of the process, we like to start with the design of the site before we add any content or interior pages. The first thing I will send to you will be the static design of the homepage. Once we finalize a design that you are 100% happy with, we will build/code out the site, adding interior pages and your content Once we have the site built and your content implemented, we'll go through two reviews of the site, checking for errors and making final edits. After these edits, we'll have the site finished and we'll make it "live" and viewable online.
I look forward to working with you! Please feel free to contact me with any questions or concerns.

Thank you, Ellen Wilson

## 12/17/10 11:57 AM Note

Nice to meet you Ellen. I look forward to chatting with you soon. Please give me a call any morning before 10 am Pacific at 760-751-7027. A key component of the revised site will be an insurance quote form. Here is an example: http://apartmentins.com/

There will be four forms (or one form with four sections under the contact info) for apartments, office, retail and industrial.

The content will be updated so not much will transfer over from our current site. Think of this as a rebranding effort. We will leverage the content from the competitor sites as we have a different way of servicing our clients with the same services that our competitors (the banks and stockbrokers) provide. We will also try to be more succient.

Best regards,

kraig

## 12/17/10 02:25 PM Note

Kraia

Thanks for the e-mail and the example of what you'd like your insurance quote form to look like.

Can we plan on speaking Monday morning, around 9:30 PST (10:30 MST)?

Regards, Ellen Wilson

12/20/10 10:47 AM Note

Sounds great. Talk to you Monday at 9:30 am PST. Please call me at 760-751-

Have a fun weekend, kraig

## 12/20/10 10:47 AM Note

Ellen: We originally thought your insurance 4 prototype would work for our version of the WF style site. The other OW prototype that is close to the WF site (https://www.wellsfargo.com/theprivatebank/) seems to be your @first form , but the flash has to change location and speed. Lets discuss the relative value of the two prototype designs.

Another consideration is the design of the Citi Private Bank site (https://www.privatebank.citibank.com/our\_firm.htm ) which has only three tabs: Our Firm, Our Services and Contact Us. I don t know which prototype you have that is closest to Cities site or whether that design is viable.

Your suggestions are welcome.

Kraig

12/20/10 11:10 AM Note

https://www.wellsfargo.com/theprivatebank/ use this site as the template.

This is a redesign for one of our own clients (http://athertontrust.com/). We need to be sensitive to the copy writing and change it up a little . I'm drawing up a little paper of how it should look.

#### Gabe:

Can you please recreate the flash on this page? It's so heavily dependent on the Flash that I think if we send it with the design, we'll get this thing moving much faster. Your Needs

Your Goals

Our Approach

Our Solution

Are the four boxes they need on the left hand side. They Need it to be like Wells Fargo where it immediately pops We need to just put Filler in for the drop down tabs so they can see it. There needs to be something slightly different about it so that it's not the exact exact same thing. Be creative.

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Ellen Wilson

12/20/10 01:18 PM Note

Here s the oak tree logo. The company name..Atherton Trust is superimposed over the oak tree. The font is Bell MT. Beside the logo where the Wells Fargo site has the words The Private Bank put the words The Private Trust Company on our site.

I will work toward having the content to you by Monday Jan. 3rd.

Merry Christmas and a Very Happy New Year,

Kraig

12/28/10 08:45 AM Note (from Dec. 27)

Dear Ellen: I hope you had enjoyable holiday in Indiana. I am working on the content and should be on schedule to have it to you by a week from this Friday.

That said, the four major section headings on the left side will be titled:

Your Needs

The major drop downs under Your Needs are:

Health

Happiness

Relationships

Home

Safety

**Your Goals** 

The major drop downs under Your Goals are:

**Build Wealth** 

Manage Wealth

**Enjoy Wealth** 

Preserve Wealth

Transition Wealth

Our Approach

The drop downs under Our Approach are:

People

Philosophy

**Process** 

Commitment

**Our Solutions** 

The major drop downs under Our Solutions are:

Wealth Planning

**Family Wealth** 

**Trust Solutions** 

Investments

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Insurance

Private Banking

Please use the drop down windows for the content throughout the site as on the following page in the Wells Fargo site:

https://www.wellsfargo.com/theprivatebank/wealthmanagement/

12/31/10 02:18 PM Note

Kraig-

Ellen asked me to send this to you today. We developed your site based off the WF sample. Here is the link:

http://www.onlywebsites.com/1/atherton/

We build the tree logo and think it came out well. We added placeholder text so you could get a feel of the layout. This is a very easy to navigate site. I like it.

The flash hasn't been built yet. The structure is there we just need to animate it. We wanted to get the overall design approved before we move forward and invest more time into it.

Ellen will be in touch on Monday if she doesn't hear from you. Have a Happy New Year!

Sincerely, Daniel Todd

## 01/10/11 01:11 PM Note

This page is the same as what Daniel sent me on Dec. 31, I guess there hasn't been any progress since then. Please check out the following for page design and functionality:

https://www.wellsfargo.com/theprivatebank/wealthmanagement/

I need to move forward on this project as we are setting up marketing campaigns to attract prospects to the site. Our target launch was Feb. 1st. now I will have to slip it to Feb. 15.

Any assistance you can offer to keep this moving is appreciated,

Kraig 760-751-7027

01/10/11 02:07 PM Note

Kraig,

So I went and talked to Ellen my co-worker who was working on your project emailed me the outline of what needed to be done before so this is what we have outlined to be

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done now. You also mention to change the color of the logo and the home page for warmer colors, with the bottom right with 3 rotating text with links inside of it. So this is what we have discussed if their is anything else please email or call me if not we are going to go ahead and get this implemented for you. We are going to shoot for Feb 15th to get this done for you. Thanks again for your patience and business to work with us.

Drop down windows for the content using Wells Fargo

Your Needs

The major drop downs under Your Needs are:

Health

Happiness

Relationships

Home

Safety

Your Goals

The major drop downs under Your Goals are:

**Build Wealth** 

Manage Wealth

Enjoy Wealth

Preserve Wealth

Transition Wealth

Our Approach

The drop downs under Our Approach are:

People

Philosophy

Process

Commitment

Our Solutions

The major drop downs under Our Solutions are:

Wealth Planning

Family Wealth

Trust Solutions

Investments

Insurance

Private Banking

Rocky Mortensen

mony moremen

Project Manager

Only Websites

801-770-7089 ex 434

01/28/11 11:37 AM Note

As in the Wells Fargo site each of the major headings below has a page. The drop downs are under the Our Solutions- Specialized Wealth Solutions

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heading and are marked -ow drop down. Please put the above content links in the order below.

Wealth Planning
Asset Management
Trust Solutions
Investments
Specialized Wealth Solutions
Insurance
Private Banking
Philanthropic Advisory
Family Wealth

Please find the content attached. Please also change the drop down on the home page to include the major services offerings above and in the box on the left below the large picture to include the above. There may be a few small tweaks like making sure all of the headers are in the same point size etc or coorrecting some wording but the content is pretty close to finalized. I'll review what you put put today over the weekend. Be sure to send me the updated link to the new site so that I can review it. any questions please call me at 760-751-7027.

Thanks,

## Kraig

01/28/11 11:47 AM Note https://www.wellsfargo.com/theprivatebank/ use this as a ref

### 01/28/11 12:46 PM Note

Karlos this is what he wants very specific and detailed like the wells fargo site.

Wells Fargo Link: https://www.wellsfargo.com/theprivatebank/wealthmanagement/
Use same framework as this site and changed it to the new site

http://www.onlywebsites.com/1/atherton/

I've also attached the word documents for what you need in the content they are in order for you. Now before you start let me go over it with you message me thanks

## 03/01/11 08:49 AM Note

Hi Ellen: There is no picture over the quick quote area. The photos you have are choices to be used in the large box on the home page. Also, I think you should reconsider the placement of the content. I mentioned to Rocky weeks ago that having the content on the home page would be difficult to navigate because of the size of the content which is more suited to being on separate pages like on the WF reference design site. The content does need a home link

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so that it can get people back where they started and to other content on the site like in a left margin that way they don to search for the link at the top of the page.

Please try to resize the photo to fit so that I don  $\hat{\Psi}$ t have to spend more money buying another size photo.

Also when I have the photo correctly sized on the home page, I will write the content like the people in the photo wrote it.

Kraig

03/01/11 08:49 AM Note

Ellen: III try to explain the design again, I spoke to Rocky about this weeks ago. The home page is just that the home page, no content goes on the home page. All content is accessed via a link to a separate page. At the top of the separate content page is the company logo and on the left of the content page are the major links to other content and home so that people can get from the content back to the home page or to other content. On pages that have multiple subheadings there should be drop down windows like on the WF site. For example: Under Needs-Elder Care there are many subheadings these go under drop downs like on the WF site. These drop downs were developed weeks ago and then they disappeared for some reason.

The reason I chose this design verses having the content on the home page is because the pictures take up a lot of space and for example if you look under Our Approach-People the graphic and content is too much for the home page (the pyramid graphic needs to be made smaller). The graphic on Our Approach-Methodology needs to look better with color in the arrows and the understand-analyze-advise words put inside the arrows and the information around the adapt circle made more readable.

If any of the above is unclear please call me so that we don twaste your developer time. My number is 760-751-7027. We will get on the prototype site and walk through it so that we both understand what should be done and you can offer design suggestions.

Best regards,

Kraig

03/01/11 08:52 AM Note

Hi Ellen: I went through the site and found the following edits:

1. Needs: Corporate Executive, 1st sentence. Difficult it Can be

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- 2. Custom Quote: Trust & Guardian Services
- 3. Needs: New Wealth, Paragraph 2. Change to: Our team of specialists will customize a financial plan for your new life and the responsibilities that come with new wealth.
- 4. Needs: Athlete: Why Atherton Trust. Second paragraph: Atherton Trust has the experience to enable you to live well off your earnings as a professional athlete. We have experienced specialists who create a personal wealth plan for you, advise you about prudent investments, trust solutions, insurance, specialty investments, philanthropic giving, asset management and family wealth. We will also show you how to invest without using personal guarantees and how to obtain no recourse loans. Read about our approach and solutions.
- 5. Needs: Life Changing Events. Catastrophic Events. Catastrophic events like floods, earthquakes, fire, hurricanes, tornados, mudslides and other unforeseen events are stressful and potentially financially devastating. Atherton Trust has the resources to help get you back on your feet, replace your lost possessions, rebuild your home or business and care for your family. 6. Goals: Build Wealth, Move the Loan testimonial from here to the Quick Quote Real Estate Loans. "Thanks for arranging the \$3.5 million bridge loan on my hotel. I can to believe it took only three weeks." S.J. La Jolla, CA 7. Goals: Manage Wealth. Move testimonial to Quick Quote. Property Management. Your property management group turned around my apartment building in less than a year. Vacancies are down, rents are going up and losses are being cut down to something I can live with and the renters insurance program has increased the property value 5.7%". R.D. Boston MA 8. Goals: Home page drop down window. Change Transition Wealth to Transfer Wealth
- 9. Approach: Use drop downs for sub-headers on Commitment 10. Methodology: 1st paragraph under graphic. From experience, we have learned that each of the four steps in our methodology is equally important to successfully deliver your wealth management solutions. We want to earn your trust so that we can deliver what you want when you want it. Everything we do and what we learn about you is kept confidential. Your information is protected against unauthorized access.
- 11. Quick Quote; Real Estate Brokerage. Testimonial. Most brokers who wanted to list my property said they had a buyer, from over 20 years of experience I knew that was not likely. You marketed the property across the whole country and found two buyers who competed for it. I got a very good price and the exchange worked out great. Thanks more than a few million. C.S. Phoenix AZ.

Ellen: I need to speak to you about the best way to structure the forms for the Custom Quotes. Please call me at 760-751-7027.

Thanks for your efforts they are much appreciated,